

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGMENT NO.3 OF 2007
IN
SUMMARY SUIT NO.2388 OF 2006

Indian Potash Ltd. ...Plaintiff.

VS.

1.Ganga Fertilizers Pvt.Ltd.
and another. ...Defendants.

Mr.Pandit i/b. Pandit & Pandit, for Plaintiff.

Mr.H.G.Misar, for Defendants.

CORAM: D.K.DESHMUKH, J.

DATED: 6th MARCH, 2007.

P.C.:

1. The plaintiff has filed this suit on the basis of dishonoured cheque. Admitted position is that the defendants have given signed blank cheque. The amount was filled in by the plaintiff. The defendants are disputing their liability to pay that amount. Therefore, there is definitely defence available to the defendants that the amount which is mentioned by the plaintiff on the cheque is not the actual amount due. The learned Counsel appearing for plaintiff submitted that the defendants have admitted

their liability. There is not a single document on record which shows that the defendants have admitted that the amount which is mentioned in the cheque is payable by the defendants to the plaintiff. The defendants have defence to offer. Therefore, the defendants are entitled to leave to defend. The summons for judgment is disposed of. The defendants are granted unconditional leave to defend the suit. Written statement to be filed within four weeks.
